

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Panchayats – Nidamanuru Gram Panchayat and Mandal of Nalgonda District – Sri Bollam Balaiah, Sarpanch(Removed) Nidamanur Gram Panchayat and Mandal of Nalgonda District- Removed under section 249(1) and 265(1) of Andhra Pradesh Panchayat Raj Act 1994 – Petition filed by him before the Govt. – Dismissed- Orders – Issued.

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PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT

**G.O.Rt.No. 1950**

**Dated :29-12-2008**

**Read the following:-**

- 1)From the District Collector(PW),Nalgonda District Proc.Roc. No.1746/07-B1(Pts.), dt.7.3.2008.
- 2)Appeal petition received from Sri Bollam Balaiah, Sarpanch (removed),Nidamanuru Gram Panchayat & Mandal, Nalgonda District Dt 29-04-08.
- 3) Govt Memo No. 9832/Pts.II/A1/08-1, dt 3-05-08.
- 4) WP No. 5445 of 2008 dt 19.3.2008 and W.P.MP.No.14004/2008 in WP No.10721
- 5)From the Dist.Collector (PW),Nalgonda Lr.rc.No.1746/07-B1,dt.26.8.2008.
- 6)Govt.Telegram No. 9832/Pts.II/A1/08-5, dt 10-11-08 and dt.26.11.2008.

**ORDER:-**

In the reference 1<sup>st</sup> read above, the District Collector,(PW) Nalgonda District, has removed Sri Bollam Balaiah, Sarpanch, Nidamanuru Gram Panchayat and Mandal of Nalgonda District under section 249(1) of Andhra Pradesh Panchayat Raj Act, 1994 for misappropriation of Gram Panchayat Funds.

2) Aggrieved by the above orders, in the reference 2<sup>nd</sup> read above, he has filed an Appeal petition before the Government and requested to set aside the orders passed by the District Collector (PW), Nalgonda District.

3.. In the reference 5<sup>th</sup> read above Government have informed and requested the District Collector,(PW) Nalgonda District to attend the hearing along with relevant material.

4). On receipt of certain allegations against Sri Bollam Balaiah, Sarpanch, Grampanchayat, Nidamanuru, the District Collector (PW) has got the matter enquired into by Divisional Panchayat Officer, Miryalaguda. Based on the enquiry, a Show Cause Notice was issued to the Petitioner by framing (3) charges of misappropriation of GP funds. On receipt of the explanation from the petitioner, the District Collector (PW) after verification of records, bills and vouchers, has concluded that the Petitioner in violation of rules and regulations and also in deviation of laid down procedures has misused an amount of Rs. 3,31,782/- which has to be recovered from the Peititioner. The District Collector (PW) by his Proceedings No.1746/07-B1 (Pts), dt.7.3.08 has removed the Petitioner from the post of Sarpanch, Nidamanuru Gram Panchayat and directed to handover the charge to Upa-Sarpanch.

5. In pursuance of the above orders of the District Collector(PW), the Upa-Sarpanch has started functioning as Sarpanch of the Gram Panchayat from 1.3.2008. The Panchayat Secretary, Nidamanuru Gram Panchayat in his letter No.146/GP/2008, dated 27.3.2008 while informing the above fact has requested the District Panchayat Officer, Nalgonda to restore cheque powers to I/c Sarpanch for drawal of salaries of the staff of GP and also drawal of funds for payment to the developmental works.

6. Against the aforesaid orders the Petitioner has filed a writ petition No.5446 of 2008 in the A.P. High Court. The A.P. High Court in its order dated 19.3.2008 disposed the writ petition permitting the Petitioner to file appeals against the impugned orders before the appropriate authority as provided Under Section 249(7) and 265(3) of the Act. Till the appeals and applications seeking suspension of impugned orders dated 07.03.2008, are filed and the Petitioner, if not handed over the charge to the Upa-Sarpanch, he may be permitted to be continued as Sarpanch and the amounts, ordered, shall not be recovered.

7.. In pursuance of the above orders of Hon'ble High Court, the District Collector by his proceedings dated 29.03.2008 again permitted the Petitioner to continue as Sarpanch. This orders was challenged by I/c Sarpanch before Government. Government heard the case on 17.04.2008 after issuing notices to both the parties. Both the Petitioner and I/c Sarpanch attended the hearing. After hearing both the parties and the proceedings of the District Collector(PW) dated 29.03.2008 have been set-aside as the Upa-Sarpanch has taken over charge on 10.03.2008 as is evident from the letter of the Panchayat Secretary addressed to District Panchayat Officer. The petitioner has also challenged this order in the A.P. High Court and the A.P.High Court by it's interim order in W.P.M.P. No.14004/2008, dt.14.05-2008 have granted interim suspension of the impugned orders.

8. The Petitioner has also filed an appeal before Government on 25.04-2009 against the orders of removal passed by the District Collector in 1746/07-B1, dt.07.03.2008 inter-alia contending that the District Collector (PW) without verifying the connected records and Xerox copies of vouchers and bills submitted by the Petitioner along with his explanation to the Show Cause Notice has erred in passing the orders, that the vouchers and bills submitted by the Petitioner have not been taken into account, that the District Collector (PW) has not applied his mind and has not considered his explanation properly and erred in passing the impugned order. He has therefore requested to set aside the impugned orders of the District Collector (PW), Nalgonda.

9.. The case was heard on 29.11.2008. The petitioner along with his Advocate has appeared. While reiterating the contents raised in the Revision Petition, the Petitioner's Advocate has argued that the Petitioner has never indulged in misuse or misappropriation of Gram Panchayat Funds, and whatever the amounts drawn from Gram Panchayat Funds have been spent

by the petitioner for the developmental works of the Gram Panchayat. He has therefore requested to allow the Revision Petition and set aside the impugned orders.

10.. Government have gone through the connected records and it is on record that the petitioner has been provided ample opportunity by the District Collector(PW) before passing the impugned orders by issuing show cause notice. On verification of records, it was revealed that the petitioner without following the laid down procedure and rules has incurred an expenditure of Rs.3,31,782/- irregularly and also amply proved that the petitioner has not adhered to the procedures before utilizing the precious Gram Panchayat Funds. The records shown that all the vouchers and bills produced by the petitioner have been properly and thoroughly got verified by the District Collector(PW) before passing the impugned orders and found that petitioner has misused an amount of Rs.3,31,782/- of Gram Panchayat funds and the same is liable to be recovered from the petitioner.

11.. Government after careful consideration of the material found that there is no any illegality, irregularity in the orders passed by the District Collector(PW), Nalgonda in removing the Petitioner from the post of Sarpanch and ordering for recovery of the amount referred to above from the Petitioner. The Revision Petition is therefore dismissed.

12.. The District Collector(PW) Nalgonda is hereby requested to take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHITRA RAMCHANDRAN  
SECRETARY TO GOVERNMENT

To  
The District Collector(PW) Nalgonda District.  
The Commissioner, PR&RE AP Hyderabad.  
The District Panchayat Officer, Nalgonda District  
Sri Bollam Balaiah, Sarpanch,  
Nidamanoor Gram Panchayat & Mandal,  
Nalgonda District.  
SC/SF.

// Forwarded by Order //

SECTION OFFICER